

ESTTA Tracking number: **ESTTA695307**Filing date: **09/11/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Hoss's Enterprises, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	300 Delaware Ave. Suite 1704 Wilmington, DE 19801 UNITED STATES		

Attorney information	Sherry Flax Saul Ewing LLP 500 E. Pratt St. Suite 900 Baltimore, MD 21202 UNITED STATES sflax@saull.com Phone:410-332-8784
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**Applicant Information**

Application No	79160435	Publication date	08/18/2015
Opposition Filing Date	09/11/2015	Opposition Period Ends	09/17/2015
International Registration No.	1235733	International Registration Date	12/16/2014
Applicant	GUANGZHOU FUZHENG DONGHAI FOOD CO., LTD. Room 101, No. 30 Xinzhuang 2nd Road  CHINA		

**Goods/Services Affected by Opposition**

Class 029. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Meat; foods made from fish, namely, fish cakes; canned cooked meat; tinned meat; crystallized fruits; preserved vegetables; eggs; milk products excluding ice cream, ice milk and frozen yogurt; ediblefats; fruit jellies; prepared nuts

Class 030. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Tea; candy; confectionery made of sugar; honey; cereal-based snack food; instant rice; preparations made from cereals, namely, cereal bars; flour-milling products, namely, flour; edible ices; condiments, namely, ketchup

**Grounds for Opposition**


Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	3305154	Application Date	05/30/2006
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Registration Date	10/09/2007	Foreign Priority Date	NONE
Word Mark	HOSS'S Â· FAMILY Â· STEAK&SEA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2006/04/05 First Use In Commerce: 2006/04/05 RESTAURANT SERVICES		

U.S. Registration No.	1379720	Application Date	11/29/1984
Registration Date	01/21/1986	Foreign Priority Date	NONE
Word Mark	HOSS'S STEAK AND SEA HOUSE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1983/10/10 First Use In Commerce: 1983/10/10 RESTAURANT SERVICES		

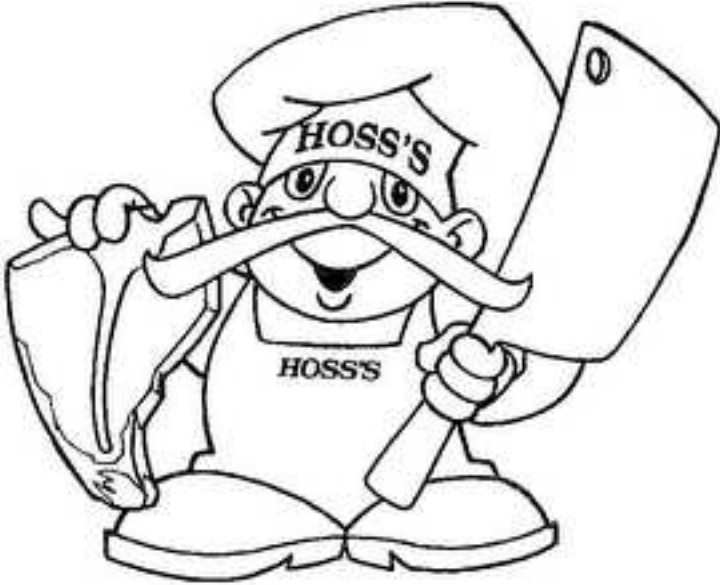
U.S. Registration No.	2330557	Application Date	06/09/1997
Registration Date	03/21/2000	Foreign Priority Date	NONE
Word Mark	HOSS'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1983/10/10 First Use In Commerce: 1983/10/10 restaurant services		


U.S. Registration No.	2334150	Application Date	06/09/1997
Registration Date	03/28/2000	Foreign Priority Date	NONE
Word Mark	HOSS'S IS HOSS'PITALITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1983/10/10 First Use In Commerce: 1993/10/13 restaurant services		

U.S. Registration No.	2577847	Application Date	12/04/2000
Registration Date	06/11/2002	Foreign Priority Date	NONE
Word Mark	HOSS'S FAMILY STEAK & SEA HOUSE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/10/00 First Use In Commerce: 1999/10/00 restaurant services		

U.S. Registration No.	3547222	Application Date	06/23/2006
Registration Date	12/16/2008	Foreign Priority Date	NONE
Word Mark	HOSS'S FAMILY STEAK & SEA WHERE YOUR FAMILY WANTS TO EAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2006/09/13 First Use In Commerce: 2006/09/13 RESTAURANT SERVICES		

U.S. Registration No.	2608979	Application Date	12/04/2000
Registration Date	08/20/2002	Foreign Priority Date	NONE

Word Mark	HOSS'S HOSS'S
Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1999/10/00 First Use In Commerce: 1999/10/00 restaurant services

U.S. Registration No.	2580699	Application Date	11/18/1999
Registration Date	06/18/2002	Foreign Priority Date	NONE
Word Mark	HOSSAUCE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1999/04/05 First Use In Commerce: 1999/04/05 sauces, namely barbecue sauce

Attachments	76660716#TMSN.png( bytes ) 75305471#TMSN.png( bytes ) 75305472#TMSN.png( bytes ) 76174046#TMSN.png( bytes ) 76662037#TMSN.png( bytes ) 76175037#TMSN.png( bytes ) 75852679#TMSN.png( bytes ) hoss_s_opposition_MYHOSS.pdf(17986 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/sherry flax/
Name	Sherry Flax
Date	09/11/2015

Mark: MYHOSS (STYLIZED)  
Ser. No. 79160435

**IN THE TRADEMARK TRIAL AND APPEAL BOARD**

Hoss's Enterprises, Inc.

Opposer,  
v. Opposition No. \_\_\_\_\_

Guanzhou Fuzheng Donghai Food Co., Ltd.

Applicant.

**NOTICE OF OPPOSITION**

Opposer, Hoss's Enterprises, Inc., a corporation organized and existing under the laws of Delaware, believes that it will be damaged by registration of the mark MYHOSS, as shown in Serial No. 79160435, filed by Applicant Guanzhou Fuzheng Donghai Food Co., Ltd. ("Application"), and hereby opposes same pursuant to §13 of the Trademark Act of 1946, 15 U.S.C. § 1063.

As grounds for opposition, Opposer hereby alleges:

1. Opposer is the owner of a family of "HOSS'S" trademarks relating to restaurant services and related goods (collectively the "HOSS'S Marks").
2. Opposer owns the registered mark HOSS'S STEAK AND SEA HOUSE, U.S. Reg. No. 1379720, for restaurant services. Opposer has used HOSS'S STEAK AND SEA HOUSE in interstate commerce in the United States on a continuous basis since at least as early as October 10, 1983.
3. Opposer is the owner of the registered mark HOSS'S, U.S. Reg. No. 2330557, for restaurant services. Opposer has used HOSS'S in interstate commerce in the United States on a continuous basis since at least as early as October 10, 1983.

4. Opposer is the owner of the registered mark HOSS'S IS HOSS'PITALITY, U.S. Reg. No. 2334150, for restaurant services. Opposer has used HOSS'S IS HOSS'PITALITY in interstate commerce in the United States on a continuous basis since at least as early as October 13, 1993.

5. Opposer is the owner of the registered mark HOSS'S FAMILY STEAK & SEA HOUSE, U.S. Reg. No. 2577847, for restaurant services. Opposer has used HOSS'S FAMILY STEAK & SEA HOUSE in interstate commerce in the United States on a continuous basis since at least as early as October 1999.

6. Opposer is the owner of the registered mark HOSSAUCE, U.S. Reg. No. 2580699, for sauces, namely barbecue sauce. Opposer has used HOSSAUCE in interstate commerce in the United States on a continuous basis since at least as early as April 5, 1999.

7. Opposer is the owner of the registered mark HOSS'S HOSS'S (DESIGN), U.S. Reg. No. 2608979, for restaurant services. Opposer has used HOSS'S HOSS'S (DESIGN) in interstate commerce in the United States on a continuous basis since at least as early as October 1999.

8. Opposer is the owner of the registered mark HOSS'S FAMILY STEAK&SEA (STYLIZED), U.S. Reg. No. 3305154, for restaurant services. Opposer has used HOSS'S FAMILY STEAK&SEA (STYLIZED) in interstate commerce in the United States on a continuous basis since at least as early as April 5, 2006.

9. Opposer is the owner of the registered mark HOSS'S FAMILY STEAK & SEA WHERE YOUR FAMILY WANTS TO EAT, U.S. Reg. No. 3547222, for restaurant services. Opposer has used HOSS'S FAMILY STEAK & SEA WHERE YOUR FAMILY WANTS TO

EAT in interstate commerce in the United States on a continuous basis since at least as early as September 13, 2006.

10. Opposer and its predecessors in interest have invested significant resources to advertise and promote goods and services sold under the HOSS'S Marks.

11. On December 16, 2014, Applicant filed the Application seeking to register MYHOSS for use in connection with "meat; foods made from fish, namely, fish cakes; canned cooked meat; tinned meat; crystallized fruits; preserved vegetables; eggs; milk products excluding ice cream, ice milk and frozen yogurt; edible fats; fruit jellies; prepared nuts," in International class 29; "tea; candy; confectionery made of sugar; honey; cereal-based snack food; instant rice; preparations made from cereals, namely, cereal bars; flour-milling products, namely, flour; edible ices; condiments, namely, ketchup," in International Class 30.

12. The Application for international protection was processed through the World Intellectual Property Organization under the Madrid Protocol and is based on an application that originated in China.

13. Opposer hereby opposes registration of MYHOSS in the United States because the term is confusingly similar to Opposer's family of HOSS'S Marks in sight, sound, and commercial meaning. The inclusion of the prefix "MY" does not provide any distinction from the registered HOSS'S marks.

14. The goods recited in the Application are highly related to Registrant's goods and services and will be provided in the same channels of commerce. Use of these nearly identical marks is likely to cause confusion, to cause mistake, or to deceive within the meaning of §2(d) of the Lanham Act, 15 U.S.C. §1052(d), thereby damaging Opposer.



15. If Applicant is granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to use MYHOSS. Such registration would be a source of damage and injury to Opposer. Opposer would lose the value of the good will and reputation associated with its HOSS'S Marks. Applicant's use of MYHOSS is likely to constitute a false designation of origin of its goods in violation of the Lanham Act, 15 U.S.C. § 1114(1).

WHEREFORE, Opposer prays that application Serial No. 79160435 be refused registration.

September 11, 2015

Respectfully submitted,

/sherry flax/

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